

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ERIN O'DONNELL, *et al.*,

Plaintiffs,

v.

CITY OF CLEVELAND, *et al.*,

Defendants.

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CASE NO. 1:14-cv-02612

OPINION & ORDER
[Resolving Doc. [61](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Defendants City of Cleveland, *et al.* filed a motion to quash a subpoena of Mayor Frank Jackson.^{1/} On November 5, 2015, this Court granted Defendants' motion to quash with the caveat that it was granted without prejudice and that Plaintiffs were welcome to renew their request if they could lay a sufficient foundation that Mayor Jackson took part directly in employment decisions.^{2/} Plaintiffs have now filed a motion for reconsideration of this Court's November 5th order.

Plaintiffs now cite the Safety Director McGrath deposition to lay a foundation to depose the Mayor. Having examined that deposition, this Court finds that Plaintiffs still fail to lay a foundation sufficient to justify deposing the Mayor.

Plaintiffs point to McGrath testifying that he and Mayor Jackson discussed the November 29, 2012, police shooting incident, specifically, "how we were going to approach it as far as the

^{1/}Doc. [55](#).

^{2/}Doc. [6](#)

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investigative and administrative protocol.”^{3/} However, when asked if he and the Mayor ever discussed keeping Plaintiffs’ off the street until they were cleared by an investigation, McGrath responded that he did not recall such a conversation.^{4/}

General incident discussions with the Mayor do not constitute evidence of the Mayor having been directly involved in decisions around Plaintiffs’ restricted duty placement. McGrath explicitly testified that he did not recall any conversation with the Mayor regarding Plaintiffs’ restricted duty placement.

For the foregoing reasons, the Court **DENIES** the Plaintiffs’ motion for reconsideration on the motion to quash the subpoena of Mayor Frank Jackson.

IT IS SO ORDERED.

Dated: December 1, 2015

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{3/}Doc [63-1](#) at 79-80.

^{4/}Doc [63-1](#) at 80.